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## Minutes of the Lamoine Board of Appeals September 20, 2005

Chairman Chris Tadema-Wielandt called the meeting to order at 7:07 PM

Present were: Board of Appeals members John Wuorinen, Reggie McDevitt, Warren Craft, Griff Fenton, Chris Tadema-Wielandt, Jay Fowler (arrived 7:17 PM); Secretary Stu Marckoon, Kathleen DeFusco, Gerald Ford, Ronald Simons, Reggie Mann, Richard King, Teresa Rohner, Cable TV Technicians Katie Bowman and Katie Murphy.

**Consideration of Minutes of September 12, 2005** – The Board was still in the process of editing the minutes and opted not to consider adoption at this time.

**Appeal from Teresa Rohner re: Pine Grove Estates Subdivision** – Chairman Tadema-Wielandt said the Board has received feedback from Maine Municipal Association after Secretary Marckoon posed the basic fact pattern to the legal department. He said neither MMA nor he had been able to find any case that was exactly on point. He said the response was helpful.

Chairman Tadema-Wielandt asked if the two parties to the case if they had communicated with one another or reached an accord. Ms. Rohner said they had not. Chairman Tadema-Wielandt said he believes this is an administrative appeal. He said according to the Building and Land use Ordinance that limits the Board of Appeals strictly to an appellate review with no public hearing on the subdivision to be held all over again. He said the only thing the Appeals Board has the authority to do is determine whether the Planning Board did its job appropriately so as not to make any gross errors. He said the Appeals Board would need to find that the Planning Board decision was not clearly erroneous within the provisions of the Code.

Mr. Wuorinen asked how that could be done without the results of the survey. Chairman Tadema-Wielandt said the results of the survey were not available to the Planning Board at the time. He said had the Planning Board had the proper survey they might have determined something else.

Chairman Tadema-Wielandt said the Maine Municipal Association (MMA) opinion appears to say the Appeals Board can't go back and look at a review of the original

application even though notice was not given to all the parties. He said the MMA reference to the case of Brackett vs. Rangeley says the fact that this subdivision was approved so long ago (nearly two years) and because there was no formal appeal filed within the period of time set forth by the ordinance (30-days of the decision) that it appears the Appeals Board does not have authority to review the subdivision approval process.

Chairman said if you look at MRSA Title 30-A §4403, which deals with subdivisions. He said those are general rules, and in § 4 the municipal reviewing authority shall give notice to the applicant that the application is complete, and shall have published two times in the appropriate newspaper notice of the hearing. He said the point is that there is not state requirement that notice be mailed or given to abutters.

Mr. Fenton asked about §3 of that statute, and said that is contrary to what Chairman Tadema-Wielandt read. Mr. Fenton read that subsection as follows: *When an application is received, the municipal reviewing authority shall give a dated receipt to the applicant and shall notify by mail all abutting property owners of the proposed subdivision.* He said when the subdivision was filed, they should have been notified. He said he thinks it opens up a Rangeley type situation. He said there was a huge amount of time that transpired between approval of the subdivision and the appellant's recognition that a subdivision was going beside her house.

Mr. Fenton said he has a timeline with a lot of holes in it. He said it would be helpful to find out what happened between the time of the application and today. He said that might help find out if there was a gross error by the Planning Board or not. He said the Simons plan was dated February 3, 2003. He said Ms. Rohner got title to her property in May, 2003. He said the Simons plan was approved in November, 2003. He said from November 2003 to August 2, 2005 it is not known what happened. He said on August 2, 2005 the Simons extension was approved effective November 4, 2005 for one year. He said in the second week of August 2005 Ms. Rohner came home and found that the road had been put in next to her property. Mr. Fenton asked what happened between November, 2003 and August, 2005.

Chairman Tadema-Wielandt said he had no problem finding out what happened. He asked how that gives the Appeals board more authority to do than what is given by the Code. He asked if there is a more equitable solution the Appeals Board could apply. Mr. Fenton asked if there was anything done to the property to alert Ms. Rohner to come to the Town Office to find out what was going on. He said there are a lot of things to look at.

Chairman Tadema-Wielandt asked for a copy of the application from the file which Secretary Marckoon supplied. He said the application is dated February 2, 2003. He asked if the May 2003 date on Ms. Rohner's deed is correct. Ms. Rohner said it was. Mr. Fenton asked if the property had previously been in Ms. Rohner's father's name. Ms. Rohner said that was correct. Mr. Fenton asked about the date the certified mail was sent. Chairman Tadema-Wielandt looked at the postal receipt cards dated October 17,

2003. He said the public hearing was November 4, 2003, and there was a long list of people to whom notice was sent, and he read the list. He said there was no return envelope or receipt for Ms. Rohner or her father, Mr. Mann.

Chairman said the hearing was held on November 4, 2003, the plan was approved that date and it bears the signatures of the Planning Board, and it appears to have been recorded in plan file 32 # 92 of the Hancock County Registry of Deeds on January 22, 2004. He asked if there is a requirement that the plan be recorded within a certain amount of time. Secretary Marckoon said he is not aware of any such requirement. Chairman Tadema-Wielandt said it appears the plan was approved November 4, 2003 and asked Mr. Simons if he could fill in the time line.

Ronald Simons said heavy equipment cut the trees on the lot. Chairman Tadema-Wielandt asked when that was. Mr. Simons said after approval, in early winter. Chairman Tadema-Wielandt asked if that was in 2004. Mr. Simons said yes, and it was there for over a week and he was sure Ms. Rohner saw the equipment. Ms. Rohner replied to Mr. Simons that he should not assume what she saw. Mr. Simons said the equipment cleared out a place to get ready for the road. He said there was a big pine grove there, but they didn't cut near the Rohner trailer. Chairman Tadema-Wielandt asked who did the cutting. Mr. Simons said he didn't know the name. He said he hired them to cut and gave them the chips as payment. Chairman Tadema-Wielandt asked if that was at the end of 2003 or the beginning of 2004. Mr. Simons said it was in early 2004.

Mr. Wuorinen asked what path the equipment followed. Mr. Simons said the same path as now – right by the trailer. Ms. Rohner said it did not, and she had pictures. She said the equipment went in by where Mr. Simons' son is living. Mr. Simons said it didn't go close to the trailer; it came in by the mailboxes, not where the road is now. He said it came in to the left of the septic area where the old barns were.

Chairman Tadema-Wielandt asked what happened after they cut the trees. Mr. Simons said nothing until this August (2005). Chairman Tadema-Wielandt asked if all that was done was to have the trees removed. Mr. Simons said yes, it was a big thing. Chairman Tadema-Wielandt asked if any fill for the roads came in. Mr. Simons said no, but they drove down there with their big machines. Mr. Fowler said a tractor trailer was there, and David Crane was the one who did the work. Mr. Simons said they cut within about 100-feet of Ms. Rohner's trailer. Chairman Tadema-Wielandt asked if this was done on weekdays or on the weekend. Mr. Simons said he wasn't sure, but they were there all the time until the job was finished.

Mr. Simons said he believes after talking with his son that Ms. Rohner was told about the meeting, but didn't have time to attend. Ms. Rohner said Mr. Simons was lying. She said she never got notified and he can't admit there was a problem. Chairman Tadema-Wielandt said to Ms Rohner that was not what Mr. Simons said. He said Mr. Simons was not giving evidence that Ms. Rohner was notified. He said the Appeals Board knows Ms.

Rohner was not notified and that she didn't attend because she didn't know. He said Ms. Rohner would get her chance. He asked for one side at a time to make their presentations.

Mr. Wuorinen asked about the status of the surveys. Mr. Simons said he hoped the survey would be done this week. Mr. Wuorinen asked Ms. Rohner if she already had her survey report. Ms. Rohner said the boundaries of 15-years ago were already staked out. She said she does have a boundary line based on a Malcolm Harriman survey in 1986. Mr. Wuorinen asked if it would be appropriate to look at that survey. Chairman Tadema-Wielandt said he did not think it would be appropriate. He said the Appeals Board is not acting in a de novo fashion, but merely reviewing what the Planning board did. He said this would be new evidence, and it would not be appropriate to consider in deliberations. Mr. Wuorinen said the situation is an illustration that a limited de novo proceeding might be appropriate. He said if there is a discrepancy between the Salisbury survey and the 1986 survey Ms. Rohner has, it's just hypothetical at this point. Mr. Craft said the town does not get involved in a boundary dispute. Mr. Wuorinen asked what the Appeals Board is doing here. Mr. Craft said to make sure the Planning Board did its' job.

Chairman Tadema-Wielandt said the Appeals Board got the minutes of the August 2005 Planning Board meeting which extended the subdivision permit for a year. He asked Mr. Simons how he requested the extension. Mr. Simons said with an application. Chairman Tadema-Wielandt asked if there was a form, and said that he couldn't find one. Mr. Simons asked Mr. Marckoon how he did it. Mr. Marckoon said Mr. Simons approached him one day while he was at Mr. Simons' business and said that he wanted to get on the Planning Board agenda, and then Mr. Simons came into the town office and Mr. Marckoon put it on the agenda. Mr. Marckoon said there was no form that he was aware of. Mr. Simons agreed that the request must have been verbal. Chairman Tadema-Wielandt said there was no question it was done by the Planning Board. Mr. Simons said he didn't think he would get the work done by November and that's why he asked for the extension.

Chairman Tadema-Wielandt said it has to do with Section 12-D-6 of the Lamoine Building and Land Use Ordinance which says a subdivision permit expires if 15% of the work is not completed within 1-year and 60% of the work is not completed within 2-years. He said he assumes Mr. Simons was aware of that and that's why he applied. Mr. Simons said he understood about the 15% and thought it had to be finished within 2-years, so he got an extension for another year.

Chairman Tadema-Wielandt said he didn't see anywhere that the Planning Board could extend approval. He said Section 7 of the Building and Land Use Ordinance talks about building permits for structures. He said the Planning Board just doesn't have the authority to do that with a subdivision. He said the cases he did find say the authority of a municipal board derives from town meeting which approves the ordinances. He said if the ordinance doesn't contain that authority, it doesn't exist.

Mr. Craft said it had to have been done in the past. Chairman Tadema-Wielandt said the Planning Board does have extension authority for building permits in section 7. Mr.

Craft said somewhere they thought they could do it. Mr. Fowler asked if they had done it before. Mr. McDevitt said he could not recall a particular case. Mr. Marckoon said he could not recall it happening in the past 12 and ½ years. He said they've granted plenty of building permit extensions. Chairman Tadema-Wielandt said maybe that's what the Planning Board was thinking that here's a permit, let's give it an extension.

Mr. Wuorinen asked what the situation would be if the Planning board had not received and approved an extension. Chairman Tadema-Wielandt said Mr. Simons has until November of this year to do 60% of what he got the permit to do, and if he's done more than 60%, the plan remains valid. Chairman Tadema-Wielandt reviewed section 12-D-6 and read as follows: *A permit granted under this ordinance shall expire if 15% of the project (as measured by the permit approved square footage) is not completed within one year of the permit approval date. A permit granted under this ordinance shall expire if 60% of the project (as measured by the permit approved square footage) is not completed within two years of the permit approved date. If either of these deadlines is not met, an application for a permit must again be made and permit fees paid.* Mr. Fenton said he believed that was the old ordinance, and the new ordinance strikes what the chairman just read. Mr. Marckoon said the ordinance Chairman Tadema-Wielandt read from would have been the one the Planning Board used when the subdivision was approved, the ordinance to which Mr. Fenton referred to was passed in the spring of 2005. Mr. Marckoon said a telephone call came in from Planning Board member Melody Havey who said to refer to section 6G in the new ordinance. Chairman Tadema-Wielandt said they would let Ms. Havey arrive and explain.

Chairman Tadema-Wielandt said the ordinance he has states 60% but he wasn't sure what that means, possibly the roads. Mr. Wuorinen said it could include the septic. Mr. Fenton said if the project is not completed within 2-years, you have to start again. Mr. Fowler said that would straighten out the matter. He said if Mr. Simons doesn't get the project done by November, he would have to make another application and the abutters would be notified.

Chairman Tadema-Wielandt said it might be premature for the Appeals Board to consider this aspect of the appeal because at this point Mr. Simons does not need his extension. Mr. Fowler said if Mr. Simons has already stopped work it might be a problem as he might have met the deadline if he hadn't stopped. He said the surveys are needed. Mr. Fenton said the real job is to find out if the Planning Board erred in granting the permit. Mr. Fowler said if someone didn't get notified, the Planning Board erred.

Chairman Tadema-Wielandt said Section 12-D-3-C of the Building and Land Use Ordinance says failure to give notice shall not affect the validity of the Board's action. Mr. Fenton said that was discussed last time, and read the paragraph as follows: *The Board shall notify by registered letter all owners of abutting properties listed in the application or Plan as to the date, time, and place of such review. Applicants are strongly encouraged to contact resident abutting landowners personally before this review. The notice required by this paragraph is in addition to all other notices required by law...* Chairman Tadema-Wielandt said those notices required by state law are

referenced in §4403. Mr. Fenton said the state law requires the notice by mail. A short discussion followed on the state requirements.

Chairman Tadema-Wielandt said he was not able to find the consequences in state law for failure to give notice. Mr. Fenton said the Brackett case said if the failure to give written notice results in flagrant miscarriage of justice then there is good cause to waive the 30-day appeal period. He said he wanted to see if Ms. Rohner might have a good cause exception. He said that exception is pertinent because the way Ms. Rohner could find out about this was very limited. He said nothing happened since the equipment arrived to cut the trees. He said even though the Board of Appeals can't grant the good cause exception, it could be remanded to the Planning Board because they erred and the Planning Board could issue the remedy. (Melody Havey of the Planning Board arrived at 7:55 PM)

Chairman Tadema-Wielandt said he wasn't sure this is what the Brackett case said. He said he's not sure this could be sent back to the Planning board two years after the fact. Mr. Fenton said Mr. Simons is also an aggrieved party.

Mr. Fowler said what bothers him is that Malcolm Harriman did the survey and spoke of another surveying matter involving Mr. Harriman in which an error was made. Mr. Fowler said the Appeals Board should know whether Mr. Harriman has the lines in the right place. He said if the lines are wrong, the whole subdivision is invalid. He said it's critical to know if the survey is right. Ms. Rohner said she has copies of two lines from surveys by Mr. Harriman. Mr. Fowler said all the talk is wasted if the line is not right, and if the whole subdivision is not right, the process should start again. Mr. Simons said that's not true – we're talking about one piece of land. He said if the survey shows Ms. Rohner is right, that's fine, but why should the whole subdivision be thrown out. Mr. Fowler asked if the survey was put on mylar and everyone signed it. Chairman Tadema-Wielandt said that's the signed plan in the file. Mr. Fowler said the whole thing could be wrong. Mr. Simons said Richard King has agreed that's where the line is, and Ms. Rohner could be right. Mr. Fowler said he's seen problems before and with a mylar guaranteed to be approved, the right thing might not have been approved.

Melody Havey said she wanted to speak in regard to the Planning Board's authority to grant an extension. She said it's contained in Section 12-G-6 of the new ordinance. Mr. Fowler said the new ordinance was not in effect when the subdivision was approved. Ms. Havey asked if that section had been changed. Chairman Tadema-Wielandt said it had. Ms. Havey said the new language was in effect when the extension was granted. She said the voters saw fit to change the ordinance and include an extension. A short discussion followed on the various ordinance dates.

Mr. Wuorinen asked if there was any harm to the process by looking at Ms. Rohner's materials. He asked what actions the Appeals Board could take at this stage. He said it would be good to give Ms. Rohner an idea of what path the Appeals Board could follow. He said he could not see a clearly identified path. Chairman Tadema-Wielandt said he could find no authority to give Ms. Rohner relief. He said he had thought the Planning

Board might not have had authority to grant an extension, but said that's not relevant because Mr. Simons still has until November 4, 2005 to finish the subdivision, so the Appeals Board could not grant relief on that ground. He said he didn't think there is anything Ms. Rohner could show the Appeals Board in the plan that would give the board any authority.

Mr. Wuorinen asked what happens if the Salisbury survey comes in; would it give the Appeals Board any different position. Chairman Tadema-Wielandt said he didn't think so. Mr. Fowler said if Mr. Simons is holding back and he could get the work done, it's not fair to him.

Ms. Rohner said the big issue is the actual property line dividing her and Richard King. She said a fence that runs to the Jordan River has always been the property line, and was the line in 1986. She said the most recent survey by Mr. Harriman pushed her approximately 50-feet onto Mr. King's property. She said that cut the whole side of her house off. She said she was given more land on Mr. King's side and less on the Ellsworth side. Mr. Simons said he didn't think there was a survey that showed the fence was the line. Ms. Rohner said she has a survey that shows that. Mr. King said it doesn't say anything about a fence on his property. He said there was an agreement with Dick Zerrien and he had heard the line where Reginald Mann had purchased was the fence. Mr. King said that everything he's got follows away from the fence. Ms. Rohner said the latest survey showed her house is not even on her property.

Chairman Tadema-Wielandt said that's why the Appeals Board can't get involved in the line dispute, because they are not surveyors. Ms. Rohner said if Mr. Simons had spoken with her before the road went in, they might have resolved the mess. Chairman Tadema-Wielandt said the only recourse for Ms. Rohner appears to be for a judge to make the decision as to where the line is. He said a judge would probably appoint a master and get some survey work done. He said it sounds like Mr. Simons has already begun that process. He said this is way beyond the expertise of the Planning Board or the Board of Appeals.

Ms. Rohner said her issue with the town is that she was not notified. She said had she been notified, this would not have happened. She said she holds the town responsible. Mr. Wuorinen asked Ms. Rohner if she had an attorney. Ms. Rohner said she did, but she hoped to settle this out of court. She said she has very little, but she doesn't want a road at her back door. She said she wants her property restored to the way it was. She said if she has to go to court she will. Mr. Wuorinen asked if arbitration is available through the court system. Chairman Tadema-Wielandt said it's possible if the parties agree. He said Mr. Simons has indicated a willingness to make accommodations.

Chairman Tadema-Wielandt said the Appeals Board does not have the authority to do what Ms. Rohner has requested, which is to order an immediate stop to the work. He said only a judge could do that. Ms. Rohner asked if the town has no authority, would she have to file suit. She said if that's the case, the town would get involved because she was

not notified. She said she would get a court order because she didn't trust Mr. Simons. Mr. Simons said he would start work tomorrow morning.

Chairman Tadema-Wielandt asked if there was anything more he was missing. Secretary Marckoon asked if there should be a formal vote on the appeal. Chairman Tadema-Wielandt said yes.

Mr. Fowler said he would like to see what's right. He said the Appeals Board does not have the authority to stop. Chairman Tadema-Wielandt said the Appeals Board risk is greater in telling Mr. Simons to stop. Ms. Rohner said she didn't understand this and had to leave.

Mr. Fenton said Ms. Rohner's appeal said she was never notified, so it's incumbent to find whether the Planning Board erred. A short discussion followed on who has the responsibility to notify the abutters. Chairman Tadema-Wielandt said the town has the onus of notification through its ordinance. He said maybe the Planning Board has that obligation. Mr. Fenton said maybe the Appeals Board ought to remand it back to the Planning Board under state law. Chairman Tadema-Wielandt said the Appeals Board has authority only under the town ordinance.

Chairman Tadema-Wielandt asked what Mr. Fenton would propose if the Appeals Board found the Planning Board made an error that caused a gross miscarriage of justice. Mr. Fenton said in other cases it has gone back to the Planning Board. Mr. Craft asked if the Planning Board could solve the problem. Mr. Wuorinen asked if the Building Inspector had any role in this.

Mr. Fowler said when David Crane cut the land; he observed the cutting being done. He said Mr. Crane made a big hole. Mr. Simons said there was a big pile of brush behind Ms. Rohner's trailer. He said that Ms. Rohner told his son she knew about the hearing but couldn't attend.

Mr. Wuorinen asked if the Code Enforcement Officer gets involved once a subdivision plan is approved. Chairman Tadema-Wielandt said he has the authority, but doesn't know that he ever does, and suspected he wouldn't unless there was a complaint. Mr. Wuorinen said if one looks at the plan and physically to where the road went in, there is a discrepancy somewhere. Mr. Simons said the only discrepancy is that Ms. Rohner's trailer is too close to the line. Mr. Wuorinen said the presence of a problem should have been apparent had the CEO eyeballed the situation at the time. He asked if that has any bearing on the case. He said that didn't change the Appeals Board role.

Ms. Havey said Section 12-E-6 talks about development plans. She said the trailer should have been shown on the plan in its proper location. She asked if the trailer is shown on Mr. Simons' land in the plan. She said if he thought her trailer was up against her land, that should have been shown on the map in its correct location. She said the Planning Board relied on what Mr. Simons' plan showed. She said every structure within 200-feet is required to be shown, but apparently this does not show where the trailer



really is. Chairman Tadema-Wielandt said the plan shows the trailer about 50 to 55 feet from the boundary. The Appeals Board looked over the plan, and determined the plan showed the trailer was about 60-feet from the boundary line. Ms. Havey said she doesn't see how the Planning Board erred based on what was submitted.

Mr. Wuorinen said he had a sense the board was coming out that way. Mr. Fowler said if this is wrong and the Planning Board accepted it with Mr. Harriman's stamp, it has nothing to do with a Planning Board error. He said the Planning Board accepted what was written. Ms. Havey said any revisions to a subdivision have to go through the entire subdivision process under section 12-D-2, which she read as follows:

*Any and all proposed amendments to an already approved subdivision shall follow in full the application procedures outlined in this section.*

Ms. Havey said if Mr. Simons has to amend the road, he needs to reapply. Chairman Tadema-Wielandt asked if that applied to an extension since Mr. Simons got one. Ms. Havey said it does not apply to an extension. She said an extension does not have to go all the way back. She said the section applies to amended items such as moving roads. She said they would take a look, and that was a reason for changing the ordinance.

Chairman Tadema-Wielandt asked if when the Planning Board granted the extension, did they discuss their authority to do so. Ms. Havey said she thinks they did and found they had the authority. She said to be sure she would have to review the tape of the meeting.

Mr. Fowler said the case hinges on Mr. Simons surveyor. He said if things are not placed right, then it hinges on Mr. Harriman's survey. He said the Planning Board looked at the plan and accepted it as is with a road 60-feet from the trailer. He said it's drawn on the map. Ms. Havey said that is enforceable and the plan is filed in the Registry of Deeds.

Mr. Fenton said what is most disturbing is section 12-D-4-(c) which says the Planning Board does not have to notify abutters and can have a hearing and not have it challenged. Ms. Havey said that's why the MMA says the remedy is in court. Mr. Fenton said that is sad to send someone to court because they weren't notified by registered mail. He said it's a serious issue. Mr. Fowler said everyone makes mistakes, and the Planning Board did not intentionally fail to notify Ms. Rohner. Mr. Fenton said to say notification doesn't matter is wrong. A short discussion followed.

Chairman Tadema-Wielandt asked if when the Planning Board viewed the site, were the stakes in place. He asked if the stakes were not in place is that customary. Ms. Havey said if the Planning Board were viewing today, they would require the lines to be marked. She said she can't speak to 2003. She said she thinks Mr. Simons said the stakes were not there. Mr. Simons said the stakes were not there. Chairman Tadema-Wielandt asked if there were stakes for the property line. Mr. Simons said not at the beginning. He said the Planning Board looked over where the subdivision was going, and there were no stakes.

Mr. Craft asked how MacQuinn knew where to start. Mr. Simons said it was surveyed and the stakes were there. Mr. Fowler asked how long the stakes were there. Mr. Simons said the stakes were put there when the subdivision was approved, including the stakes for the septic system. He said Ms. Rohner knew it was a subdivision and it was close to her trailer. He said if that's the line, that's where the road is going. Mr. Fowler said that makes Ms. Rohner's trailer illegal and her septic system illegal. Mr. Simons said the trailer is too close to the line and part of the septic system is on his land. Mr. King said he remembered when Dick Zerrien gave land for the septic system. Mr. Simons said he gave the additional land.

Mr. Wuorinen moved to find this case is not within the jurisdiction of the Appeals Board, and the appropriate course of action is through the court system. Chairman Tadema-Wielandt said he would amend that saying it's not up to the Board of Appeals to determine whether it should go through the court system. He said the motion ought to be worded to say that where the Appeals Board does not have the authority to order what was asked, that the Board deny the application. Mr. Wuorinen restated the motion to read that the Appeals Board finds the case is beyond its purview and it does not have the authority to grant Ms. Rohner's Request. Mr. Fenton 2<sup>nd</sup>. Secretary Marckoon asked who was voting. A short discussion followed. Mr. McDevitt agreed to be the non-voting alternate.

Mr. Craft said he would like to clarify the motion. Chairman Tadema-Wielandt said the motion is that since the Appeals Board does not have the authority to grant Ms. Rohner what she had requested, that it can't. Mr. Wuorinen said the talk was sympathetic but meaningless. **Vote in favor of the motion was 5-0.**

Secretary Marckoon asked if the Board would like him to draft a letter for signature. Chairman Tadema-Wielandt said that would be helpful, and the draft should be e-mailed to the rest of the board.

Mr. Craft asked what happens now – does it go to court? Chairman Tadema-Wielandt said he hopes that Ms. Rohner pursues that.

Mr. Wuorinen moved to adjourn at 8:45 PM. Chairman Tadema-Wielandt 2<sup>nd</sup>. **Vote in favor was unanimous.**

Respectfully submitted,

Stu Marckoon, Secretary  
Lamoine Board of Appeals  
*Approved October 17, 2005*